

Remarks

Claims 18-20 and 26-36 are currently pending in the Application and Claims 18-20 and 26-28 are withdrawn from consideration by the Examiner.

Claim amendments

This response amends Claims 29 and 33 to clarify the language of the claims. Support for the amendments can be found, for example, on pages 8-18 and Figures 2A-5F of the specification. No new matter has been added.

35 U.S.C. §112, second paragraph, rejection

Claims 29 and 33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner Claims 29 and 33 are not clear as to the thickness of the sacrifice layer. Applicant submits that Claims 29 and 33 have been amended to overcome this rejection and request that the rejection be withdrawn.

35 U.S.C. §102(e) Rejection

Claims 29-36 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sah (U.S. Patent No. 6,218,221). Applicants respectfully disagree.

The Examiner is reminded that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 quoting *Verdegaal Bros. V. Union Oil Co, of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Examiner is also reminded that “[the] identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP 2131 quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant submits that Sah does not teach each and every element as set forth in the rejected claims. In particular:

Claim 29

Applicant submits that Sah does not disclose, suggest or teach, *inter alia*, at least the following features recited by amended Claim 1 of the present application:

“the first and the second sacrifice layers ... further **spaced from** with the insulating layer” (emphasis added)

The Examiner asserts that “the first and the second sacrifice layers” as recited in Claim 1 is disclosed by Sah’s “layer 48a.” See page 3, lines 8-9 of the Official Action. The Examiner also asserts that “the insulating layer” as recited in Claim 1 is disclosed by Sah’s “layer 44.” See page 3, line 3 of the Official Action. Applicant respectfully traverses the Examiner’s assertion.

According to Sah, layer “48a” contacts layer “44.” See Figure 8A of Sah. Therefore, Sah does not teach, disclose or suggest “the first and the second sacrifice layers ... further spaced from with the insulating layer” as recited in amended Claim 1. Hence, Claim 1 is patentable over Sah and should be allowed by the Examiner. Claims 30-32, at least based on their dependency on Claim 29, are also believed to be patentable over Sah.

Claim 33

Applicant submits that Sah does not disclose, suggest or teach, *inter alia*, at least the following features recited by amended Claim 33 of the present application:

“first and second sacrifice layers ... **formed over and in direct contact** with the semiconductor layer” (emphasis added)

The Examiner asserts that “the first and the second sacrifice layers” as recited in Claim 33 is disclosed by Sah’s “layer 48a.” See page 3, lines 8-9 of the Official Action. The Examiner also asserts that “the semiconductor layer” as recited in Claim 33 is disclosed by Sah’s “layer 46.” See page 3, line 3 of the Official Action. Applicant respectfully traverses the Examiner’s assertion.

According to Sah, layer “48a” is disposed over and in direct contact with layers “44” and “46a.” See Figure 8A of Sah. Because layer “48a” is disposed over and in direct contact with “layers “44” and “46a” and not over and in direct contact with the layer “46,” Sah does not teach, disclose, or suggest “first and second sacrifice layers ... formed over and in direct contact with the semiconductor layer” as recited in amended Claim 33. Hence, Claim 33 is patentable over Sah and should be allowed by the Examiner. Claims 34-36, at least based on their dependency on Claim 33, are also believed to be patentable over Sah.

The Examiner is encouraged to contact the undersigned to discuss any other issues requiring resolution.

Conclusion

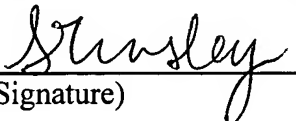
In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on


September 28, 2005
(Date of Deposit)

Shannon Tinsley
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(Signature)

September 28, 2005
(Date)

Respectfully submitted,



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